

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY R. HICKS,

Plaintiff,

v.

No. 1:20-cv-00472-JAP-SCY

WALMART'S CLAIM SERVICE,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This case arises from a “parasitic infection” caused by turkey that Plaintiff purchased from Defendant that resulted in Plaintiff’s illness and the death of Plaintiff’s pet. *See* COMPLAINT (Doc. 1 at 2); AMENDED COMPLAINT (Doc. 5 at 1).

The Court notified Plaintiff that his Complaint should be dismissed for failure to state a claim because it did not contain a short and plain statement of the claim showing that the pleader is entitled to relief as required by the Federal Rules of Civil Procedure. *See* MEMORANDUM OPINION AND ORDER GRANTING LEAVE TO FILE AMENDED COMPLAINT (Doc. 4 at 1). On May 19, 2020, the Court granted Plaintiff leave to file an amended complaint. *Id.* at 2.

Plaintiff filed his Amended Complaint on May 28, 2020. *See* Doc. 5 at 1. The Court again explained to Plaintiff that his Amended Complaint failed to state a claim and did not properly allege that the Court has jurisdiction over this matter. *See* MEMORANDUM OPINION AND ORDER GRANTING LEAVE TO FILE SECOND AMENDED COMPLAINT (Doc. 6 at 2–4). The Court granted Plaintiff leave to file a second amended complaint and notified Plaintiff that failure to timely file a second amended complaint may result in dismissal of this case. *Id.* at 4. Plaintiff did not file a second amended complaint by the June 29, 2020, deadline.

IT IS THEREFORE ORDERED that this case is DISMISSED without prejudice.



SENIOR UNITED STATES DISTRICT JUDGE